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FROM THE FILE

THE EFFECTIVE DATE OF THIS ORDINANCE IS April 15, 2002

ORDINANCE NO. 02-06-302

Amendments to the Frederick County Building Code

Whereas, under Section 3(s) of Article 25 of the Annotated Code of Maryland, 1957, as amended, the Board of County Commissioners of Frederick County, Maryland, is authorized to adopt a Building Code and to incorporate by reference a Building Code promulgated by any Trade or Professional Association: and

Whereas, the Board of County Commissioners wishes to adopt the latest edition of the **INTERNATIONAL CODE COUNCIL'S (ICC) INTERNATIONAL BUILDING CODE, 2000 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE, 2000** [BOCA National Building Code 1996 Thirteenth] Edition, to bring the County regulations to current standards: and

Whereas, the Board of County Commissioners wishes to exclude from the [BOCA Code] **INTERNATIONAL BUILDING CODE, 2000 EDITION**, Chapter 11- Accessibility; Chapter 27- Electric Wiring, Equipment and Systems; Chapter 29- Plumbing Systems; Chapter 30- Elevators and Conveying Systems; Chapter 31- Subsection- [3102.0] **3107.0** Signs, since those matters are covered elsewhere in other County or State laws.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Article II of Chapter 1- 6 of the Frederick County Code, 1979 is hereby amended to read as follows (*any Sections or provisions in Chapter 1- 6 of the Frederick County Code not listed below remain the same as they are now*):

Sec. 1- 6- 16 Adopted.

The Board of County Commissioners hereby adopts the [BOCA National Building Code 1996 Thirteenth Edition] **INTERNATIONAL BUILDING CODE, 2000 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE, 2000 EDITION.**

Sec. 1- 6- 17 Revisions.

- (a) Substitute "Frederick County" for the phrase "Name of [Municipality] JURISDICTION" wherever it appears in the building code.

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CAPITALS AND/ OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from the existing law.

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**(C) Substitute “Director of the Department of Permits and Inspections” for the term “[code] BUILDING official” wherever it appears in the building code.**

**(D) SUBSTITUTE “DEPARTMENT OF PERMITS AND INSPECTIONS” FOR THE TERM “DEPARTMENT OF BUILDING SAFETY” WHEREVER IT APPEARS IN THE BUILDING CODE.**

Sec. 1- 6- 18. Amendments.

**(A) The [BOCA National Building Code, Thirteenth edition, 1996] INTERNATIONAL BUILDING CODE, 2000 EDITION is hereby amended in the following respects:**

**SUBSECTION 101.2 IS HEREBY AMENDED BY ADDING THE FOLLOWING EXCEPTION:**

**EXCEPTION 2: AGRICULTURAL BUILDINGS. THE PROVISIONS OF THIS CODE SHALL NOT APPLY TO THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION OR MAINTENANCE OF AGRICULTURAL BUILDINGS. THIS PROVISION DOES NOT EXEMPT THE OWNER FROM OBTAINING REQUIRED ELECTRICAL OR PLUMBING PERMITS NOR FROM COMPLYING WITH ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS, LAWS, AND ORDINANCES. AN “AGRICULTURAL BUILDING” FOR PURPOSES OF THIS SUBSECTION MEANS A BUILDING OR STRUCTURE UTILIZED FOR AGRICULTURAL ACTIVITY AS DEFINED IN THE FREDERICK COUNTY ZONING ORDINANCE.**

**SUBSECTION 101.4.1 IS HEREBY AMENDED TO READ AS FOLLOWS:**

**101.4.1 Electrical.** The provisions of the [ICC Electrical Code] **FREDERICK COUNTY ELECTRICAL CODE** shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**SUBSECTION 101.4.4 IS HEREBY AMENDED TO READ AS FOLLOWS;**

**101.4.4 Plumbing.** The provisions of the [International Plumbing Code] **FREDERICK COUNTY PLUMBING CODE** shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the [International Private Sewage Disposal Code] **FREDERICK COUNTY PLUMBING CODE** shall apply to private sewage disposal systems.

**[Subsection 107.7 is hereby amended to read as follows:**

**107.7 Engineering details:** The code official may require to be filed adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature and seal of the engineer or architect responsible for the design as required by section 114.1.]

[Subsection 108.1(i) is hereby amended to read as follows:

108.1(i) After initial fee, the application for a zoning certificate/ building permit shall be processed through the appropriate agencies and departments, including but not limited to, the department of permits and inspections, the office of planning and zoning, county roads board, the state highway administration, public works department, the state forester, and the department of health where applicable, and a zoning certificate/ building permit is granted.]

[Subsection 108.1(ii) is hereby amended to read as follows:

108.1(ii) Permits. Permits shall be issued after approvals have been obtained from the aforesaid departments and agencies and payment of appropriate fees for plumbing, electrical and building and all other charges by the aforesaid agencies and departments.]

**SUBSECTION 105.3.1 IS HEREBY AMENDED TO READ AS FOLLOWS:**

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing [.] **BY ROUTING THE APPLICATION TO APPROPRIATE AGENCIES AND DEPARTMENTS FOR THEIR REVIEW.** If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official **AND THE REVIEWING AGENCIES AND DEPARTMENTS ARE** [is] satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

**SUBSECTION 105.3.2 IS HEREBY AMENDED TO READ AS FOLLOWS:**

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned [180 days] **ONE YEAR** after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[Subsection 108.2 is hereby amended to read as follows:

108.2 Suspension of permit: A permit shall expire if the work described on the permit has not been substantially begun within twelve (12) months of the date of issuance or the work has been abandoned for a period of six (6) months from the date of the last inspection performed. ]

**SUBSECTION 105.5 IS HEREBY AMENDED TO READ AS FOLLOWS:**

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within [180 days] **ONE YEAR** after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of [180 days] **SIX (6) MONTHS** after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

[Subsection 108.5 is hereby amended to read as follows:

108.5 Approved construction documents: The code official shall stamp or endorse in writing both sets of construction documents "REVIEWED", and one set of the reviewed construction documents shall be retained by the code official and the other set shall be kept at the building site, open to inspection of the code official or an authorized representative at all reasonable times.]

[Subsection 108.9 is hereby deleted in its entirety]:

[Subsection 109.1 is hereby amended to read as follows:

109.1 General: The code official may issue a permit for temporary construction. Such permits shall be limited as to time of service, but such temporary construction shall not be permitted for more than one year.]

**SUBSECTION 107.1 IS HEREBY AMENDED TO READ AS FOLLOWS;**

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than [180 days] **ONE YEAR**. [The building official is authorized to grant extensions for demonstrated cause.]

Subsection [110.1] **111.4** is hereby amended to read as follows:

[110.1] **111.4** Service connections: Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections.

Subsection [110.2] **111.5** is hereby amended to read as follows:

[110.2] **111.5** Notice to adjoining owners: Written notice shall be given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, prior to the removal of a building or structure.

[Subsection 114.2 is hereby amended to read as follows:

114.2 Special Inspections: Special inspections shall be made in accordance with Section 1705.0, at the discretion of the code official.]

Subsection [118.4] **110.3 IS DELETED IN ITS ENTIRETY AND** is hereby amended to read as follows:

[118.4 Contents of certificate:] **110.3 CERTIFICATE ISSUED.** When a structure is entitled thereto, the code official shall issue a certificate of occupancy upon completion of the final inspections in accordance with section [113.3] **109.3.10**, correction of the violations and discrepancies, and approval for occupancy is given from the departments and agencies that gave approvals for the issuance of the zoning certificate/ building permit [, under section 108.1(I)].

[Subsection 120.2 is hereby amended to read as following:

120.2 Temporary Safeguards: When, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may cause the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted]

[Subsection 121.2.1 is hereby amended to read as following:

121.2.1 Qualifications: The board of appeals shall consist of five individuals as determined by the Board of County Commissioners.]

Subsection [121.7] **112.4** is hereby **CREATED** [amended] to read as following:

[ 121.7 ] **112.4 APPEALS.** Any party aggrieved by a decision of the Board of Appeals shall have the right to appeal an adverse decision to the Board of County Commissioners.

[Subsection 123.3 is hereby deleted in its entirety:]

[Subsection 310.6 is hereby amended to read as follows:

310.6 Use Group R-4 structures: This use group shall include all detached one - or two family dwellings and One- family townhouses not more than three stories in height, and the accessory structures as indicated in the one- and two- family dwelling code listed in Chapter 35. All such structures shall be designed in accordance with the one- and two- family dwelling code listed in Chapter 35 or in accordance with the requirements of this code applicable to Use Group R-3. The following amendments to the one- and two- family dwelling code shall apply when that code is used:]

**SUBSECTION 907.8 IS HEREBY AMENDED TO READ AS FOLLOWS:**

907.8 ZONES. Each floor shall be zoned separately. **WHERE THE BUILDING IS NOT PROTECTED THROUGHOUT BY AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903,** a zone shall not exceed 22,500 square feet (2090 m<sup>2</sup>) and the length of any zone shall not exceed 300 feet (91440 mm) in any direction. **WHERE THE BUILDING IS PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH 903, THE AREA OF THE FIRE ALARM ZONE SHALL COINCIDE WITH THE ALLOWABLE AREA OF THE SPRINKLER SYSTEM.**

**DELETE EXCEPTION.**

**CHAPTER 11 ACCESSIBILITY IS HEREBY DELETED IN ITS ENTIRETY AND THE FOLLOWING IS ADOPTED;**

**CHAPTER 11 ACCESSIBILITY. THE PROVISIONS OF THE MARYLAND ACCESSIBILITY CODE, STATE REGULATION COMAR 05.02.02 SHALL APPLY TO ALL MATTERS AFFECTING HANDICAPPED ACCESSIBILITY AND USE OF BUILDING AND SITES.**

Subsection [1607.3] **1607.11.2** is hereby amended by adding the following:

[1607.3] **1607.11.2** ... In no case shall the design live load of any roof be less than thirty (30) P.S.F. (pounds per square foot).

**SUBSECTION 1805.2.1 IS HEREBY MODIFIED BY THE ADDITION OF THE FOLLOWING:**

Subsection 1805.2.1 Frost protection. ...Footings shall not bear on frozen soils unless such frozen condition is of a permanent character. **IN ALL CASES THE FROST LINE SHALL BE AT LEAST 30 INCHES BELOW FINISHED GRADE.**

Chapters 27, 29 and 30 of the [BOCA National Building Code 1996] **INTERNATIONAL BUILDING CODE, 2000 EDITION** are hereby deleted in their entireties along with section 3102.0] **3107.0** Signs, also.

**CHAPTER 27 IS HEREBY ADOPTED TO READ AS FOLLOWS:**

**THIS CHAPTER GOVERNS THE ELECTRICAL COMPONENTS, EQUIPMENT AND SYSTEMS USED IN BUILDINGS AND STRUCTURES COVERED BY THIS CODE. THESE COMPONENTS, EQUIPMENT AND SYSTEMS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE FREDERICK COUNTY ELECTRICAL CODE.**

**CHAPTER 29 IS HEREBY ADOPTED TO READ AS FOLLOWS:**

**THE PROVISIONS OF THIS CHAPTER AND THE INTERNATIONAL PLUMBING CODE, AS ADOPTED BY FREDERICK COUNTY, SHALL GOVERN THE ERECTION, INSTALLATION, ALTERATION, REPAIRS, RELOCATION, REPLACEMENT ADDITION TO, USE OR MAINTENANCE OF PLUMBING EQUIPMENT AND SYSTEMS.**

**CHAPTER 30 IS HEREBY DELETED IN ITS ENTIRETY.**

Subsection [3102.0] **3107.0** is hereby adopted to read as follows:

[3102.0] **3107.0** SIGNS

All signs shall comply with the requirements of the Frederick County Zoning Ordinance.

**SUBSECTION 3401.1 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Subsection 3401.1 Scope. The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures, **EXCEPT THAT THE MARYLAND BUILDING REHABILITATION CODE, ADOPTED UNDER THE AUTHORITY OF THE STATE OF MARYLAND, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, ARTICLES 83b SUBSECTION 6- 503, ANNOTATED CODE OF MARYLAND, SHALL APPLY TO THE REHABILITATION OF EXISTING BUILDINGS IN FREDERICK COUNTY.**

**APPENDIX F RODENT PROOFING IS HEREBY ADOPTED IN ITS ENTIRETY.**

**(B) THE INTERNATIONAL RESIDENTIAL CODE, 2000 EDITION IS HEREBY AMENDED IN THE FOLOWING RESPECTS:**

**CHAPTER 1**

Chapter 1 delete in its entirety as written. [BOCA Code] **INTERNATIONAL BUILDING CODE, 2000 EDITION**, Chapter 1, [General] Administration, with adopted amendments in the Frederick County Code, shall govern this [one- and two- family dwelling] **INTERNATIONAL RESIDENTIAL code, 2000 EDITION**. The provisions of appendix [D] **G** are hereby adopted to control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a One- and Two Family Dwelling.

**CHAPTER 3**

Table [301.2a] **R301.2 (1)** is to be filled in as follows:

[Roof] <b>GROUND</b> Snow Load (pounds per square foot) =	30 min.
Wind [Pressure (pounds per square foot)] <b>SPEED</b> =	[20 min] <b>90 (MPH)</b>
Seismic [condition by zone] <b>DESIGN CATEGORY</b>	= [0]C
Subject to damage from	
Weathering	= Severe
Frost Line Depth	= 30"
Subject to damage from	
Termite	= Yes (moderate/heavy)
Decay	= Yes (slight/mod.)
Winter Design Temp. [for H.G. Facilities]	= 12 deg. F
[Radon Resistant Construction Required =	Yes]

Subsection [309.9] **R309.2** Separation required: Garages located beneath habitable rooms shall be separated from adjacent interior spaces by fire partitions and floor/ ceiling assemblies which are constructed with not less than a one- hour fire- resistance rating. [Subsection 309.3 Floor surface. Garage and carport floor surfaces shall be of approved noncombustible material. That area of floor used for parking of automobiles or other vehicles shall be four inches (4") lower than adjacent interior spaces or sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.]

**SUBSECTION R309.4 CARPORTS. EXCEPTION IS DELETED IN ITS ENTIRETY.**

**SUBSECTION R310.1 IS HEREBY AMENDED BY CHANGING THE FIRST SENTENCE TO READ AS FOLLOWS:**

R310.1 Emergency escape and rescue required. **ALL NEW** basements with habitable space and every sleeping room shall have at least one openable emergency and rescue window or exterior door opening for emergency escape and rescue.

**SUBSECTION R315.1 IS HEREBY AMENDED TO READ AS FOLLOWS:**

R315.1 Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches (864mm and 965mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required handrails shall be continuous the full length of the stairs with [two] **THREE** or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38mm) between the wall and the handrail.

[Subsection 316.1 Smoke detectors required. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than one full story below the upper level, except that if there is a door between levels, then a detector is required on each level. All detectors shall be interconnected such that the activation of one alarm will activate all the alarms in the individual unit and shall provide an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions.]

**CHAPTER 4**

[Table 404.1.1a- Modify the "Maximum Depth of Unbalanced Fill (feet)" column for "Masonry of Hollow Units, Ungrouped" to be:

Nominal Thickness (inches)	Maximum Depth of Unbalanced Fill (feet)
8	5
10	6
12	7]

[Delete Table 405.1 in its entirety.]

**TABLE N1102.1 IS MODIFIED BY THE FOLLOWING:**

**CHANGE THE "R" VALUE FOR CEILINGS FROM R- 38 TO R- 30 AND THE "R" VALUE FOR WALLS FROM R- 18 TO R- 13 IN THE LINE FOR 5,000- 5,499 HDD.**

Delete chapters [29] **25** through [46] **42** in their entirety since the board of county commissioners has adopted other codes covering these activities.

Standards listed in Chapter [47] **43** shall be considered part of the requirements of this code. Where differences occur between provisions of this code and the referenced standard, the provisions of this code shall apply.



## APPENDIX [D] G

Section [D105] **AG 105**, BARRIER requirements. Delete **AG105.2 CONDITION 9** [the following:

### Subsection D105.2

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met.

9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM ES 13- 89; or

9.2 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of thirty (30) seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than fifteen (15) seconds. The deactivation switch(es) shall be located at least fifty- four (54) inches above the threshold of the door; or

9.3 Other means of protection, such as self- closing doors with self latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by 9.1 or 9.2 described above.]

[Subsection D105.3:

D105.3 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with section D105.2 Item 9.]

Section [D105.5] **AG105.5** Barrier Exceptions. Add the following:

Fixtures which are drained after each use shall be exempt from the provision of the chapter.

## APPENDIX F

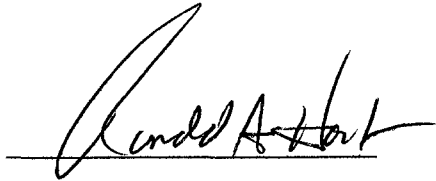
Section [F103.4] **AF103.5** Exception: Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed, or that are passively ventilated in accordance with section [409.1] **R408.2** of this code.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that this ordinance shall take effect after a fair summary is published in the Frederick News Post and a copy is filed with the Clerk of the Circuit Court for Frederick County.

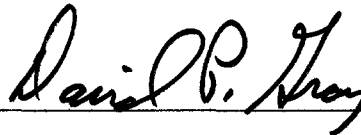
The undersigned hereby certifies that the foregoing Ordinance was approved and adopted on the 4<sup>th</sup> day of April, 2002.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart  
County Manager

By: 

David P. Gray, President

MSC 4/9/02